Disposal of Writ Petitions.

*Q.—310. Sri H. SIDDAVEERAPPA (Harihar).—

Will the Minister for Law and Parliamentary Affairs be pleased to state :—

(*a*) the number of Writ Petitions filed by the Government servants against Government challenging Government Orders and seeking judicial redress under the Constitution (detailed figures year-war under each department may kindly be furnished for the last three years.)

(*b*) the number of Writ petitions disposed off by the High Court and in how many cases decisions are given in favour of the Government and in how many against them ?

A.—Sri S. R. KANTHI (Minister for Law and Parliamentary Affairs).—

(*a*) and (*b*) The nature of the question does not admit of furnishing an immediate reply as lot of time is required to collect the material.

† Answers as printed with the following modification ; clause (*a*) the answer is 5,843. This question has been construed by the Department as relating to service matters only. But if you read clause (*a*), it refers to number of Writ Petitions filed in the Mysore High Court challenging the orders of the State Government. The Writ Petitions against the orders of Government are 5,843. As regards (*b*), there is no such particular information available ; as regards (*c*), if it pertains to (*b*), particular information is not available.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ.—ಸರ್ಪಸ್ ಮ್ಯಾಟರ್ಸ್ ಬಗ್ಗೆ ಉತ್ತರ ಕಳುಹಿಸುವುದಕ್ಕೆ ಆತಂಕ ಏನು ?

ಅಧ್ಯಕ್ಷರು.—ಬೇಕಾದರೆ ಕಾರಾವಕಾಶ ಕೊಡುತ್ತೇನೆ. ಮತ್ತೆ ಈ ಪ್ರಶ್ನೆಯನ್ನು ವಿತ್‌ಹೋಲ್ಡ್ ಮಾಡುತ್ತೇನೆ.

Sri S. R. KANTHI.—The High Court has been consulted in the matter. They say it is not particularly possible to collect information so far as service matters are concerned. I have got a reply in a general way. I was saying that 5843 writ petitions were there against the orders of the Government of which 5028 were admitted ; dismissed 815 and decided in favour of Government are 2259 and decided against the Government or Department were 1230. This is general. But the break-up is not available. The High Court said it is not possible to furnish the break-up.

ಎಚ್. ಡಿ. ದೇವೇಗೌಡ.—ತಮ್ಮ ಸೆಕ್ರೆಟೇರಿಯೇಟ್‌ನಿಂದ ತರಿಸಿಕೊಳ್ಳುವುದಕ್ಕೆ ಸಾಧ್ಯ ಇಲ್ಲವೇ ?

Sri S. R. KANTHI.—The information is sought from the year 1962 March. It refers to all the Departments. It involves a lot of labour and lot of time. So, it is not possible.

Sri H. D. DEVE GOWDA.—Clause (*b*) relates to service matters.

†Indicates that the remarks or speeches have not been revised by the member concerned.

Sri S. R. KANTHI.—It is not possible to give information relating to service matters.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಸರ್ಕಾರದ ಆದೇಶವನ್ನು ವಿರೋಧಿಸಿ ಮುಖ್ಯ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ರಿಟ್ ಹಾಕಿದಾಗ ಸರ್ಕಾರದವರು ತಮ್ಮ ಆದೇಶವನ್ನು ಯಾರು ವಿರೋಧಿಸಿದ್ದಾರೋ ಯಾವ ಕಾರಣಕ್ಕಾಗಿ ವಿರೋಧಿಸಿದ್ದಾರೋ ಅತನು ಏನು ರಿಟ್ ಹಾಕಿದ್ದಾನೆ ? ಏನು ನಿರ್ಣಯ ಆಯಿತು ಎನ್ನುವುದು ತಮ್ಮ ಇಲಾಖೆಗೆ ಬರುವುದಿಲ್ಲವೇ ? ಆವುಗಳ ಲೆಕ್ಕ ತಾವು ಇಡುವುದಿಲ್ಲವೇ ? ಎನ್ನುವ ಬಗ್ಗೆ ವಿವರಗಳು ಬೇಕು. ಸರ್ಕಾರದ ಆಜ್ಞೆಗಳನ್ನು ವಿರೋಧಿಸಿ ರಿಟ್ ಹಾಕಿದಾಗ ಯಾವ ಆಜ್ಞೆ ಉಲ್ಲಂಘನೆಯಾಗಿದೆ, ಯಾರು ವಿರೋಧಿಸಿ ತಮಗೆ ಅನ್ಯಾಯ ಆಗಿದೆ ಎಂದು ರಿಟ್ ಹಾಕಿದ್ದಾರೆ; ಇದರ ಬಗ್ಗೆ ಸರ್ಕಾರದ ಹತ್ತಿರ ದಾಖಲಾತಿ ಇಲ್ಲವೇ ? ಇದ್ದರೆ ಕೊಡಬಹುದಲ್ಲವೇ ? ತಾವು ಹೇಳಬೇಕು, High Court is not in a position to supply this information ಎಂದು, ಈ ಬ್ರೇಕ್ ಅಪ್ ತಮ್ಮ ಹತ್ತಿರ ಇಲ್ಲವೇ, ಹಾಗಿದ್ದರೆ ಇಡುವುದಕ್ಕೆ ಆಗುವುದಿಲ್ಲವೇ ?

ಅಧ್ಯಕ್ಷರು.—ಒಂದು ಆರ್ಡರ್ ಇದ್ದರೆ ಯಾವ ಗ್ರೌಂಡ್ಸ್ ಮೇಲೆ ಅಟ್ಯಾಕ್ ಮಾಡಿದರು ಎಂದು ನೋಡಬೇಕು. That will be found in writ petitions. They are forwarded to the Advocate General for Government Pleader or somebody else. Sometimes, the Government does not fight. If it is a matter purely between two persons and the Government order is limited only to the extent of tansfer, the Government is not very much concerned. This is a big question. Therefore, if you want, I will hold it over and examine it further.

Sri S. R. KANTHI.—I want to clarify one more point, Sir. The sort of information that is sought by my friend is not with one Department, It is spread over a number of Departments. From the Department, it must have gone to the Directorate. All this will take a lot of time to collect information from 1962. Naturally, we wanted to minimise the work and asked the High court whether it is possible to give information. Such information is not available with the Government Pleaders also.

Sri K. H. PATIL.—Sir, the Hon'ble Minister says that the nature of question does not admit of furnishing immediate reply, as if he is the admitting authority.

Mr. SPEAKER.—The Hon'ble Member knows that I am not debating upon the content of the reply. If the Members want, I am prepared to hold over the question. Otherwise, I am prepared to allow twenty minutes and the rest of the questions will lapse. What is the sense of the House ?

The sense of the House is that it should be held over. The question is held over.

Sri K. H. PATIL.—Afterwards, I will raise a point of order, because the Minister cannot give an answer like that.

Mr. SPEAKER.—The Hon'ble Member Sri K. H. Patil is always entitled to raise a point of order and I am bound to decide it one way or the other.